

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of: Kanno et al.

Application No.: 09/868,338

Filing Date: June 18, 2001

For: ABC TRANSPORTER AND GENE  
ENCODING SAME

Art Unit: 1646

Examiner: Basi

Attorney Ref. No.: US-1280

AUG 02 2004

OFFICIAL

File  
Purpose  
onlyREQUEST FOR REFUND OF ERRONEOUSLY CHARGED FEE

Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

This is a timely-filed request for a refund for fees erroneously charged to our deposit account 50-3077 under 37 C.F.R. §1.26 in the above-cationed application. The fee of \$258 was charged on July 27, 2004 to our deposit account 50-3077 under fee code 1201 (independent claims in excess of three). The amendment filed on July 9, 2004 contained 13 total claims remaining after the amendment, 6 of which are independent. Seven total independent claims were previously paid for (4 extra) when the application was filed on June 18, 2001. No fee was due, therefore, when the July 9, 2004 amendment was filed since no additional independent or dependent claims in excess of those previously paid for were added. Therefore, a refund of the \$258 is respectfully requested to be credited to our deposit account.

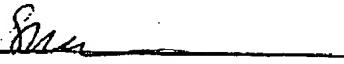
Adjustment Date: 08/24/2004 DWILLIA4  
 07/27/2004 DWILLIA4 00000001 503077 09868338  
 01 FC:1201 258.00 CR

Atty Dkt. No. US-1280

U.S. App. No: 09/868,338

Respectfully submitted,

By:

Shelly Guest Cermak  
Registration No. 39,571**USPTO Customer No. 38108**

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1120 Connecticut Ave., Ste. 1001  
Washington D.C. 20036  
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Date: August 2, 2004